UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/SP/50
14 January 1994

ORIGINAL: ENGLISH

MEETING OF THE STATES PARTIES
Fifteenth meeting
New York, 12 January 1994

LETTER DATED 14 JANUARY 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE TEMPORARY CHAIRMAN OF THE FIFTEENTH MEETING OF STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

I have the honour to transmit to you, in your capacity as temporary Chairman, the text of an aide-mémoire dated 14 January 1994 of the Government of the Federal Republic of Yugoslavia concerning the participation of the Yugoslav delegation in the fifteenth meeting of the States parties to the International Convention on the Elimination of all Forms of Racial Discrimination (see annex).

I should be grateful if you would circulate the present letter and its annex to all States parties to the Convention.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

Annex

AIDE-MÉMOIRE DATED 14 JANUARY 1994 OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

Since the adoption by the General Assembly of resolution 47/1 of 22 September 1992, some international organizations and specialized agencies have adopted arbitrary decisions in connection with the participation of the Federal Republic of Yugoslavia in their work.

Those decisions are totally unfounded and contrary to the letter and spirit of the above-mentioned resolution of the General Assembly, which pertains solely to non-participation of the Federal Republic of Yugoslavia in the work of the General Assembly. That was clearly confirmed by the opinion of the United Nations Legal Counsel (A/47/485 of 30 September 1992) that "the resolution neither terminates nor suspends Yugoslavia's membership in the organization" and it "does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies".

According to another opinion of the Legal Office of the Secretariat, dated 16 November 1993, the status of Yugoslavia as a party to treaties was not affected by the adoption by the General Assembly of resolution 47/1.

For its part, the Federal Republic of Yugoslavia has clearly stated that it will continue the state, international, legal and political personality of the former Socialist Federal Republic of Yugoslavia and that it will strictly abide by all international commitments undertaken by the SFR of Yugoslavia.

The delegation of the Federal Republic of Yugoslavia regularly participates in the meetings of States parties to various international conventions.

At the fifteenth meeting of the States parties to the International Convention on the Elimination of all Forms of Racial Discrimination, held on 12 January 1994, certain States parties sought to challenge Yugoslavia's right to participate in this meeting.

The Government of the Federal Republic of Yugoslavia strongly considers that such action is totally unfounded and therefore unacceptable for the following reasons:

(a) It is inconsistent with the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination and the rules of procedures for the meeting of the States parties;

(b) The status of the Federal Republic of Yugoslavia as a party to that Convention is not in any way affected by General Assembly resolution 47/1;

(c) The Federal Republic of Yugcslavia has clearly expressed its readiness to abide fully by the commitments arising from that Convention and to cooperate with the Committee on the Elimination of Racial Discrimination;

(d) The delegation of the Federal Republic of Yugoslavia has been officially invited to take part in the meeting of States parties, for which it has duly submitted full powers.

The Government of the Federal Republic of Yugoslavia wishes to draw the attention of the States parties to the International Convention on the Elimination of all Forms of Racial Discrimination that such legally unfounded and politically motivated action by certain States parties may set a dangerous precedent with respect to the status of the States parties to the Convention and create serious obstacles to its implementation.

It should be understood that the denial of the legitimate right to the Federal Republic of Yugoslavia to participate in the meeting of the States parties would at the same time imply the suspension of its obligations arising from the Convention. This would therefore mean that Yugoslavia will no longer be obliged to implement the provisions of the Convention.

The Government of the Federal Republic of Yugoslavia wishes to state that it is fully prepared to honour all its obligations as a State party to this Convention and to participate in that capacity in the meetings of the States parties.

Any decision to the contrary shall be the sole responsibility of those States parties which initiated and supported such action.

The International Convention on the Elimination of all Forms of Racial Discrimination is a specific category of treaties valid erga omnes with the primary goal to protect human beings against all forms of discrimination. Therefore, such a decision would be in total contradiction with this noble goal, as it discriminates against a State party that has demonstrated readiness and resolve to honour and implement the Convention.